

Application No. 10/713,569
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REMARKS

Claims 1-2, 4-5, 7-8, 10-11, and 13-30 are pending. Claims 1, 4, 7, 10, 26 and 28-30 have been amended. Claims 2, 5, 8, 11, and 13 are original. Claims 14-25 and 27 have been previously presented. No new matter has been introduced by the amendment.

1. Claim Rejections under 35 U.S.C. § 112, First Paragraph

Claims 1-2, 4-5, 7-8, 10-11, 13-14, 17-20 and 25-30 have been rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Applicant respectfully traverses these rejections based on the following remarks.

Claims 1 and 7 have been amended to recite “the cigarette rod undergoes no translational movement during rotation”. Claims 4 and 10 have been amended to recite “the two-up filtered cigarette rod undergoes no translational movement during rotation”. Support for the amended independent claims 1, 4, 7 and 10 can be found in the Applicant’s specification, for example, in paragraph 20, lines 1-5. Accordingly, the Applicant respectfully submits that the rejections against amended independent claims 1, 4, 7 and 10, and thus the rejections against claims 2/19/25/26, 5/20/27/28, 8/17/18/29, and 11/13/14/30, which depend from amended independent claims 1, 4, 7 and 10, respectively, have been overcome and should be withdrawn.

2. The Amended Independent Claims 1, 4, 7 And 10 Are Distinguishable from Luke (U.S. Pat. No. 4,583,558) And Molins Et Al. (U.S. Pat. No. 4,111,740)

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Luke was cited in the non-final Office Action mailed December 19, 2005. Luke describes a method of marking a smoking-article in which the cigarette rod 7 is caused to roll over the surface 2 of the plate 3 or to pass across the faces of each heated die 1 (see column 3, lines 44-46; and column 4, lines 65-68). That is, the cigarette rod 7 is moving to a new location while being rotated. In other words, the cigarette rod 7 undergoes translational movement during rotation.

Molins was cited in the non-final Office Action mailed May 26, 2006. Molins describes an apparatus for joining axially abutting rods of the cigarette industry in which the filter sections (cigarette rods or two-up filtered cigarette rods) 10 are rolled relative to the rolling drum 14 and relative to the rolling plate 18, starting with the fingers 18A (see column 2, lines 30-32). That is, the filter sections 10 are moving to a new location while being rotated. In other words, the filter sections 10 undergo translational movement during rotation.

In contrast, the apparatus and method for producing a cigarette recited in amended independent claims 1, 4, 7 and 10 recite that the cigarette rod or the two-up filtered cigarette rod undergoes no translational movement during rotation.

In view of the above amendments and remarks, the Applicant respectfully submits that neither Luke nor Molins teaches or suggests all the claim limitations as recited in amended independent claims 1, 4, 7 and 10. Accordingly, the Applicant further respectfully submits that amended independent claims 1, 4, 7 and 10, and thus claims 2/19/25/26, 5/20/27/28, 8/17/18/29, and 11/13/14/30, which depend from amended independent claims 1, 4, 7 and 10, respectively, are distinguishable from both Luke and Molins, and should be allowable.

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3. Allowed Subject Matter

Claims 15-16 and 21-24 have been allowed.

4. Conclusion

Based on the above amendments and remarks, the Applicant submits that the claims are in condition for allowance. The examiner is kindly invited to contact the undersigned attorney to expedite allowance.

Respectfully submitted,



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